

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONSERVATION LAW FOUNDATION
and THE SURFRIDER FOUNDATION,

Plaintiff,

v.

Civil Action No. 1:20-cv-11827

JEFFREY A. ROSEN, in his official
capacity; U.S. DEPARTMENT OF
JUSTICE; ANDREW WHEELER, in his
official capacity; U.S. ENVIRONMENTAL
PROTECTION AGENCY, and
JEFFREY BOSSERT CLARK, in his official
capacity,

Defendants.

MOTION FOR AN EXTENSION OF TIME TO RESPOND

Plaintiffs Conservation Law Foundation and The Surfrider Foundation respectfully move this Court for an extension of time to respond to Defendants’ Motion to Dismiss. Plaintiffs conferred with Defendants pursuant to Local Civil Rule 7.1(a) regarding this request, and Defendants have represented that they do not take a position on this request. In support of this motion, Plaintiffs state the following:

1. This case is an Administrative Procedure Act (“APA”) challenge to a Department of Justice rule prohibiting the Department and the Environmental Protection Agency from settling certain civil enforcement actions through “Supplemental Environmental Projects,” or “SEPs.” Plaintiff contends that the Rule depends on a faulty interpretation of the Miscellaneous Receipts Act.

2. On December 2, 2020, this Court granted the parties' joint motion to establish a briefing schedule. ECF 21. Doing so set the deadlines in this case as follows:

- December 15, 2020: Plaintiffs file their amended complaint
- January 8, 2021: Defendants file their motion to dismiss or answer.
- January 25, 2021: Plaintiffs file their opposition (if necessary).
- February 4, 2021: Defendants file their reply (if necessary, and subject to leave from the Court).

3. Plaintiffs filed their amended complaint (ECF 23) and Defendants responded with a motion to dismiss (ECF 25) in accordance with these deadlines.

4. Plaintiffs now request a two-week extension of their deadline to respond to Defendants' motion to dismiss, moving that deadline from January 25, 2021 to February 8, 2021. Plaintiffs make this request due to upcoming staff changes affecting this case and increased childcare obligations resulting from closures due to security concerns during the week of the Presidential Inauguration.

5. Accordingly, Plaintiffs respectfully request that the Court enter the following briefing schedule:

February 8, 2021: Plaintiffs file their opposition to Defendants' motion to dismiss.

February 22, 2021: Defendants file their reply (if necessary).

Dated: January 15, 2021

Respectfully submitted,

/s/ Travis Annatoyn

Travis Annatoyn (admitted *pro hac vice*)

Robin Thurston (admitted *pro hac vice*)

Michael Martinez (admitted *pro hac vice*)

Sean Lev (admitted *pro hac vice*)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that this document was filed through the Court's ECF system, which will cause copies to be sent to all counsel of record.

Dated: January 15, 2021

/s/ Travis Annatoyn
TRAVIS ANNATOYN